

JIM GIBBONS
Governor

MICHAEL J. WILLDEN
Director



RICHARD WHITLEY, MS
Administrator

MARY GUINAN, MD, PhD
State Health Officer

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH DIVISION
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE

NOTICE OF INTENT TO IMPOSE ADMINISTRATIVE FINE

Certified Mail # 7005 1820 0007 6334 8491

July 8, 2009

Attention: Mr. Mike T. Johnson, Administrator
Desert Springs Hospital
2075 East Flamingo Road
Las Vegas, NV 89119

YOU ARE HEREBY NOTIFIED that the HEALTH DIVISION intends to impose an administrative fine of \$500.00, effective eleven working days after your receipt of this notice.

Statutory or Regulatory Authority

NRS 630.307(2) requires that any hospital or other medical facility licensed in this State shall report to the Nevada State Board of Medical Examiners any change in a physician's privileges to practice medicine, while the physician is under investigation and the outcome of any disciplinary action taken by that facility against the physician concerning the care of a patient or the competency of the physician within 30 days after the change in privileges is made or disciplinary action is taken. Further, NRS 630.307(2) provides that the Board of Medical Examiners shall report any failure of a hospital or other medical facility to comply with this requirement to the Health Division. If after hearing, the Health Division determines that any such facility failed to report, the Health Division may impose an administrative fine of not more than \$10,000 against the facility for each failure to report.

☐ Health Facilities/Lab Services
1550 E. College Parkway
Suite 150
Carson City, Nevada 89706
(775) 687-4475
Fax: (775) 687-6588

☒ Health Facilities/Lab Services
4220 S. Maryland Parkway
Suite 510, Building D
Las Vegas, NV 89119
(702) 486-6515
Fax: (702) 486-6520

☐ Radiological Health
4150 Technology Way
Suite 300
Carson City, Nevada 89706
(775) 687-7550
Fax: (775) 687-7552

☐ Radiological Health
2060 E. Flamingo
Suite 319
Las Vegas, Nevada 89119
(702) 486-5280
Fax: (702) 486-5024

Desert Springs Hospital
July 8, 2009
Page 2 of 3

Facts Supporting Administrative Fine

The Health Division received the attached letter from the Nevada State Board of Medical Examiners that states that Desert Springs Hospital failed to comply with NRS 630.307(2) by failing to report the suspension of privileges of Martin Straznicky, M.D..

Notice of Right to Appeal

Nevada Revised Statutes 449.170(2) affords the facility the right to contest the action of the Health Division. If you wish to oppose this action, you must send a written appeal to Richard Whitley, MS, Health Division Administrator, 4150 Technology Way, Suite 300, Carson City, Nevada 89706. You can fax your written appeal to (775) 684-4211.

In order for you to receive a hearing, the Administrator must receive this written appeal by 5:00 pm on the 10th working day after you have received this notice. The local Bureau office cannot accept your appeal. Your written appeal must include the following information: a) the action to be contested, b) the name of the division officer or employee who signed this notice, c) the reasons that the appellant believes the action is incorrect, and d) whether or not the appellant is seeking an informal internal resolution prior to the formal appeal process.

You are entitled to be represented by counsel at your own expense in these proceedings. If you retain an attorney, your counsel must notify the Administrator of his or her representation of you.

Effective Date of Sanction

If you submit a timely request for appeal, the effective date of the action will be stayed, pending the hearing on appeal. If you do not request a hearing within the next ten working days, you will waive your rights to a hearing and the action will be imposed as of the 11th working day after you receive this notice. NAC 439.348 indicates that except as otherwise provided in NAC 449.99908 the effective date of the disciplinary action is stayed upon receipt of an appeal until the hearing officer renders a decision regarding the appeal. NAC 449.99908 indicates that initial monetary penalty assessment payments are due within 15 days after the notice of the penalty and must be paid irrespective of any administrative appeal.

Desert Springs Hospital
July 8, 2009
Page 3 of 3

Reduction of Monetary Penalties

If you waive your right to hearing, correct the deficiencies and pay the fines within 15 days of this notice, your penalty will be reduced by 25% pursuant to NAC 449.99904.

Payments

Payments for monetary penalties must be made to the Bureau of Health Care Quality and Compliance at either: 4220 S. Maryland Parkway, Bldg. D, Ste. 810, Las Vegas, NV 89119 or 1550 E. College Parkway, Ste. 158, Carson City, NV 89706.

If you have any questions about this notice or the contents therein, please call me at 702-486-6515.

Sincerely,



Dorothy Sims, Health Facilities Surveyor III
For Marla McDade Williams, MPA, Bureau Chief

Attachments: Letter from the Nevada State Board of Medical Examiners

cc: Douglas C. Cooper, Nevada State Board of Medical Examiners
Linda C. Anderson, Deputy Attorney General
Richard Whitley, Administrator
Mary Wherry, Deputy Administrator



RECEIVED

APR 14 2009

DIVISION
ADMINISTRATOR

Nevada State Board of Medical Examiners

April 13, 2009

Nevada State Health Division
Attn: Richard Whitley, Administrator
4150 Technology Way
Carson City, NV 89706

Dear Mr. Whitley:

The Nevada State Board of Medical Examiners is in receipt of information regarding the summary suspension of privileges on Martin Straznicky, MD at Desert Springs Hospital Medical Center in Las Vegas. The Board received this information on April 1, 2009, while the suspension and physician's change in privileges took place on February 6, 2009. This appears to be a violation of NRS 630.307 (2).

Additionally, NRS 630.307 (2) states, "The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this state to the Health Division of the Department of Human Resources. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than \$10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division."

This letter serves as the Board's notification to the Health Division regarding the non-compliance of Desert Springs Hospital Medical Center, 2075 E. Flamingo Road, Las Vegas, NV 89119, to report a physician's change of hospital privileges in accordance with NRS 630.307.

Please contact me at 775-688-2559, ext 241 with any questions or supporting documentation you may need.

Respectfully,

Douglas C. Cooper, CMBI
Chief of Investigations
Nevada State Board of Medical Examiners